

January 19, 1981

UN Security Council Report Concerning the Implementations of Resolutions 435 (1978) and 439 (1978) Concerning the Question of Namibia

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Summary:

Report by the UN Secretary-General on the Geneva meeting between SWAPO and South African delegations. Notes that the meeting did not achieve its goals of designating a date for a cease-fire or for the implementation of the United Nations Transition Assistance Group (UNTAG). Points out that the meeting did succeed in informing parties of the UN's plans for implementation and as a demonstration of good faith.

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19 January 1981

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FURTHER REPORT OF THE SECRETARY-GENERAL CONCERNING THE IMPLEMENTATION
OF SECURITY COUNCIL RESOLUTIONS 435 (1978) AND 439 (1978) CONCERNING
THE QUESTION OF NAMIBIA

1. In my report of 24 November 1980 to the Security Council (S/14266), I stressed the vital importance of Namibia achieving independence in accordance with Security Council resolution 435 (1978) in 1981. I added that, in order to achieve that aim, a date for the cease-fire and a start of implementation should be set in the early part of 1981. As a means of facilitating agreement, I stated the intention to hold a pre-implementation meeting under the auspices and chairmanship of the United Nations.
2. The proposed meeting was held at the Palais des Nations in Geneva from 7-14 January 1981. In accordance with paragraph 24 of my report of 24 November 1980, South Africa and the South West Africa People's Organization (SWAPO) were contacted concerning the composition of the respective delegations that would participate in the meeting. The front-line States and Nigeria, the Organization of African Unity (OAU) and the Contact Group of the Western Five were also contacted about the sending of observers.
3. The two delegations participating in the meeting were led respectively by the South African Administrator-General of Namibia, Mr. Danie Hough, and by the President of SWAPO, Mr. Sam Nujoma. The observer delegations were represented at a high level, including some at the ministerial level. OAU was represented by its Secretary-General, Mr. Edem Kodjo. In addition, the Minister of State of Foreign Affairs of Sierra Leone attended the meeting on behalf of the President of Sierra Leone, the current Chairman of OAU, Mr. Siaka Stevens.
4. In view of the importance that I attached to the meeting, I personally chaired the opening sessions held on 7 and 8 January 1981. The working sessions were thereafter chaired by Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs.
5. In my opening statement on 7 January 1981, I reiterated the central purpose of the meeting as set out in my report of 24 November 1980. I emphasized that a very large area was already covered by a general consensus and noted that the problems remaining related in one way or another to confidence, and especially to confidence in the future. I expressed the hope that the courage and vision that had brought the participants to Geneva would carry them over that obstacle as well. I reiterated that our main aim was to get a firm agreement on a date

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for a cease-fire and the start of implementation of the Proposal which would allow for the achievement of Namibian independence before the end of 1981. It was made clear that basic agreement on the Proposal and the demilitarized zone had already been reached and that there could be no question of renegotiating those fundamental arrangements or of going back on agreements previously reached.

6. In a meeting on 8 January 1981, following consultations, I called upon the leaders of the two delegations to introduce those members of their delegations whom they wished to introduce.

7. Mr. Hough, the Administrator-General, whom South Africa had designated to lead the delegation, then introduced his personal staff and the delegation led by him, "pursuant to paragraph 24 of the report of the Secretary-General (S/14266) and consisting of parties who are present here to discuss with the United Nations and to participate in the Conference, on an equal basis with those who would take part in the elections, the implementation of Security Council resolution 435 and other practical proposals". I thereupon recalled the precise wording of paragraph 24 of my report of 24 November 1980, indicating that it was on that basis alone that the meeting had been convened.

8. Mr. Nujoma, President of SWAPO, in introducing his delegation, stated that some of its members were still in prison, not having been released by the South African Government. Mr. Nujoma reiterated acceptance by SWAPO of Security Council resolution 435 (1978) and added that SWAPO was "ready to sign a cease-fire with the delegation of South Africa, so that peace can come to Namibia" and to "co-operate with UNTAG, both military and civilian components, in order to ensure implementation of Security Council resolution 435 (1978)".

9. Working sessions with the two delegations, in the presence of the observers, commenced on 8 January. In his opening statement, the Chairman, Mr. Urquhart, recalled the framework within which the meeting was being held. He described the wide area of agreement which had been reached with the Government of South Africa during more than two years of consultations in connexion with the implementation of Security Council resolution 435 (1978). He stated that the United Nations believed that the technical issues relating to implementation had essentially been resolved and that none existed which could possibly justify any failure to decide to go forward. The Chairman reiterated that the meeting had not been called to re-negotiate matters already agreed. He pointed out that in any conflict situation or prolonged dispute there was inevitably a legacy of distrust and lack of confidence among the parties. To overcome such a legacy a high degree of statesmanship was called for. It was not only the future of Namibia that was at stake; it was also the future of the entire region and the prospects for peace and progress in Africa as a whole.

10. On 8 and 9 January, detailed presentations were made on behalf of the United Nations regarding the manner in which the Special Representative for Namibia of the Secretary-General, appointed under Security Council resolution 431 (1978), and the United Nations Transition Assistance Group (UNTAG), would fulfil their various responsibilities under the settlement Proposal as approved in Security Council

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resolution 435 (1978). In the course of those presentations the over-all structure of UNTAG and the Special Representative's duties, the functions of the office of the High Commissioner for Refugees, the election supervisory role of UNTAG, the tasks and deployment of UNTAG police monitors and the tasks and deployment of the UNTAG military component were described by Mr. Martti Ahtisaari, Special Representative of the Secretary-General; Mr. Poul Hartling, High Commissioner for Refugees; General Prem Chand, Commander-designate of the UNTAG military component; and other senior United Nations officials. Points of clarification arising from those presentations were dealt with during a working session held on 10 January.

11. A number of statements were also made by members of the delegation led by the South African Administrator-General. It was asserted, *inter alia*, that the United Nations had disqualified itself from supervising free and fair elections in Namibia, in particular, by recognizing SWAPO as the sole and authentic representative of the people of Namibia and by its attitude towards other political parties in the Territory. The general tenor of many of those presentations was that only after an unspecified period, in which the United Nations would demonstrate its impartiality, would a definite date for implementation be acceptable. Anxiety was also expressed as to the nature of the laws and related arrangements which would govern the Territory in the future.

12. At the meeting on Saturday, 10 January, the Chairman made a number of general comments on the statements heard from the delegation led by the South African Administrator-General during the previous meetings. In particular, he referred to the context in which the United Nations had been involved in the Namibia problem and to the central purpose of the meeting, namely, the setting of a firm date for the cease-fire and the commencement of implementation of resolution 435 (1978).

13. In referring to the questions that had been raised about the "impartiality" issue and the need to create trust and confidence, the Chairman pointed out that this seemed to be putting the problem the wrong way around and that, in any case, the matter of trust and confidence was a two-way street. He explained that it was precisely because the decisions of the United Nations concerning Namibia, dating back as far as 1947, had not been heeded that the situation had reached the present pass. He pointed out that the fundamental aim of the membership of the United Nations was to enter a new phase, in which all concerned would co-operate with the international community to attain the goal of independence of Namibia through an act of self-determination. The key was a definite agreement to proceed on a specific date with the implementation of resolution 435 (1978), at which time a number of things would have to change, because there would be a completely different situation. At that time, both South Africa and the United Nations would require to make the necessary arrangements for the impartial discharge of their respective responsibilities under the settlement Proposal.

14. The Chairman concluded his statement by urging the participants not to be distracted from the main objective of the meeting, namely, in the words of the Secretary-General's report of 24 November to attain the independence of Namibia in 1981, in accordance with resolution 435 (1978) and, to achieve this aim, to set a date for the cease-fire and a start of implementation in the early part of 1981.

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15. In intensive consultations after the meeting on Saturday, 10 January, a course of action was discussed which was designed to lead, at the conclusion of the meeting, to a declaration of intent by the parties to the cease-fire. This would have provisionally established a cease-fire at an early date - 30 March 1981 was suggested - to be confirmed in writing by 10 February 1981. It was also suggested that in the meantime, specific measures could be taken to ensure - and to reflect in public decisions - the impartiality of the United Nations, as well as South Africa, from the time of agreement on the implementation date.

16. It became clear, from a statement by the South African Administrator-General in the meeting on 13 January, that it would not be possible to achieve such a declaration of intent at the meeting in Geneva. In that meeting, the Administrator-General stated that, in the light of the proceedings thus far, it was clear that the questions raised in paragraph 19 of the report of the Secretary-General (S/14266) had not been resolved, and it would therefore be premature to proceed with the discussion on the setting of a date for implementation.

17. At the closing meeting on 14 January, the leader of the SWAPO delegation, Mr. Nujoma, reiterated that SWAPO was ready to proceed, at the meeting in Geneva, to sign a cease-fire and to agree to a target date for the arrival of UNTAG in Namibia. Since South Africa had not agreed, SWAPO had no alternative but to continue with the liberation struggle.

18. In his closing statement, the Chairman reviewed the developments at the meeting and commented that it was clear that the date for the commencement of the implementation of resolution 435 (1978) still remained to be agreed upon. His concluding statement contained the following remarks:

"In the light of all that has taken place during our meeting, the question arises whether the obstacle is the matter of trust and confidence which the South African Government informed us in Pretoria last October was the core issue affecting the setting of a date. If that is so, I am sure few will challenge the fact that this meeting has provided the participants not only with a better understanding of the international effort for a settlement of the Namibia question but also valuable opportunities for contact and discussion. In my view, this has been a most unusual meeting. An enormous effort has been made, in many forms and at many levels, to demonstrate good faith, reasonableness, a will to co-operate in the future and an understanding of the pre-occupations and anxieties of others. It is a matter for regret that these extraordinary efforts have not yet succeeded in facilitating an agreement on a date for implementation and that a great opportunity has thus been missed ... I believe that all participants and observers here will wish to consider urgently the events of the last few days and the course which must be taken to expedite the attainment of the objective we have set ourselves. In particular, and on behalf of the Secretary-General, I appeal to those who have been unable so far to assent to the proposals made by the Secretary-General to reconsider their position at the earliest possible time.

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"The Secretary-General has been kept fully informed on the efforts made at, and on the outcome of, this meeting. He sincerely hopes that means will soon be found to go forward, as we had intended to do, to the early implementation of resolution 435 (1978), so that our time and efforts here will prove to have made a positive contribution to the solution of the question of Namibia.

"Although it has not proved possible here to secure agreement on a cease-fire date and on the commencement of the implementation of resolution 435 (1978), the United Nations will not relax its efforts to ensure for the people of Namibia their right to self-determination and independence through free and fair elections under United Nations supervision and control."

Observations

19. The pre-implementation meeting which concluded in Geneva on 14 January did not succeed in achieving the objective set for it in my report of 24 November 1980, namely, the setting of a date for the cease-fire and a start of implementation in the early part of 1981. It became clear in the course of the meeting, that the South African Government was not yet prepared to sign a cease-fire agreement and proceed with the implementation of resolution 435 (1978).

20. The meeting was, nevertheless, important in many ways. Participants were informed in detail of the manner in which the United Nations would discharge its responsibilities during the implementation process. Further, through contacts and exchanges at a variety of levels, a remarkable effort was made to demonstrate good faith and reasonableness, with a view to proceeding towards implementation in a spirit of co-operation and understanding. I wish, in this connexion, to express my particular appreciation to OAU, represented in Geneva by its Secretary-General and by the Minister of State of Foreign Affairs of Sierra Leone, to the front-line States, Nigeria and the Contact Group of the Western Five.

21. I believe that the outcome of the meeting in Geneva must give rise to the most serious international concern. Members of the Security Council, and all those concerned, will wish to consider the proceedings and the situation which has now arisen. I wish urgently to appeal to the Government of South Africa to review, with the utmost care, the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) at the earliest possible time.

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ORIGINAL: ENGLISH

FURTHER REPORT OF THE SECRETARY-GENERAL CONCERNING THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS 435 (1978) AND 439 (1978) CONCERNING THE QUESTION OF NAMIBIA

In my report of 24 November 1980 to the Security Council (S/14266), I stressed the vital importance of Namibia achieving independence in accordance with Security Council resolution 435 (1978) in 1981. I added that, in order to achieve that aim, a date for the cease-fire and a start of implementation should be set in the early part of 1981. As a means of facilitating agreement, I stated the intention to hold a pre-implementation meeting under the auspices and chairmanship of the United Nations.

The proposed meeting was held at the Palais des Nations in Geneva from 7-14 January 1981. In accordance with paragraph 24 of my report of 24 November 1980, South Africa and the South West Africa People's Organization (SWAPO) were contacted concerning the composition of the respective delegations that would participate in the meeting. The front-line States and Nigeria, the Organization of African United (OAU) and the Contact Group of the Western Five were also contacted about the sending of observers.

The two delegations participating in the meeting were led respectively by the South African Administrator-General of Namibia, Mr. Danie Hough, and by the President of SWAPO, Mr. Sam Nujoma. The observer delegations were represented at a high level, including some at the ministerial level. OAU was represented by its Secretary-General, Mr. Edem Kodjo. In addition, the Minister of State of Foreign Affairs of Sierra Leone attended the meeting on behalf of the President of Sierra Leone, the current Chairman of OAU, Mr. Siaka Stevens.

In view of the importance that I attached to the meeting, I personally chaired the opening sessions held on 7 and 8 January 1981. The working sessions were thereafter chaired by Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs.

In my opening statement on 7 January 1981, I reiterated the central purpose of the meeting as set out in my report of 24 November 1980. I emphasized that a very large area was already covered by a general consensus and noted that the problems remaining related in one way or another to confidence, and especially to confidence in the future. I expressed the hope that the courage and vision that had brought the participants to Geneva would carry them over that obstacle as well. I reiterated that our main aim was to get a firm agreement on a date for a ceasefire and the start of implementation of the Proposal which would allow for the achievement of Namibian independence before the end of 1981. It was made clear that basic on the Proposal and the demilitarized zone had already been reached and that there could be no question of renegotiating those fundamental arrangements or of going back on agreements previously reached.

In a meeting on 8 January 1981, following consultations, I called upon the leaders of

the two delegations to introduce those members of their delegations whom they wished to introduce.

Mr. Hough, the Administrator General, whom South Africa had designated to lead the delegation, then introduced his personal staff and the delegation led by him, "pursuant to paragraph 24 of the report of the Secretary-General (S/14266) and consisting of parties who are present here to discuss with the United Nations and to participate in the Conference, on an equal basis with those who would take part in the elections, the implementation of the Security Council resolution 435 and other practical proposals." I thereupon recalled the precise wording of paragraph 24 of my report of 24 November 1980, indicating that it was on that basis alone that the meeting had been convened.

Mr. Nujoma, President of SWAPO, in introducing his delegation, stated that some of its members were still in prison, not having been released by the South African Government. Mr. Nujoma reiterated acceptance by SWAPO of Security Council resolution 435 (1978) and added that SWAPO was "ready to sign a cease-fire with the delegation of South Africa, so that peace can come to Namibia" and to "co-operate with UNTAG, both military and civilian components, in order to ensure implementation of Security Council 435 (1978)".

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On 8 and 9 January, detailed presentations were made on behalf of the United Nations regarding the manner in which the Special Representative for Namibia of the Secretary-General, appointed under Security Council resolution 431 (1978), and the United Nations Transition Assistance Group (UNTAG), would fulfill their various responsibilities under the settlement Proposal as approved in Security Council resolution 435 (1978). In the course of those presentations the over-all structure of UNTAG and the Special Representative's duties, the functions of the office of the High Commissioner for Refugees, the election supervisory role of UNTAG, the tasks and deployment of UNTAG police monitors and the tasks and deployment of the UNTAG military component were described by Mr. Martti Ahtisaari, Special Representative of the Secretary-General; Mr. Poul Hartling, High Commissioner for Refugees; General Prem Chand, Commander-designate of the UNTAG military component; and other senior United Nations officials. Points of clarification arising from those presentations were dealt with during a working session held on 10 January.

A number of statements were also made by members of the delegation led by the South African Administrator-General. It was asserted, inter alia, that the United Nations had disqualified itself from supervising free and fair elections in Namibia, in particular, by recognizing SWAPO as the sole and authentic representative of the people of Namibia and by its attitude towards the other political parties in the Territory. The general tenor of many of those presentations was that only after an unspecified period, in which the United Nations would demonstrate its impartiality, would a definite date for implementation be acceptable. Anxiety was also expressed

as to the nature of the laws and related arrangements which would govern the Territory in the future.

At the meeting on Saturday, 10 January, the Chairman made by a number of general comments on the statements heard from the delegation led by the South African Administrator-General during the previous meetings. In particular, he referred to the context in which the United Nations had been involved in the Namibia problem and to the central purpose of the meeting, namely, the setting of a firm date for the cease-fire and the commencement of implementation of resolution 435 (1978).

In referring to the questions that had been raised about the "impartiality" issue and the need to create trust and confidence, the Chairman pointed out that this seemed to be putting the problem the wrong way around and that, in any case, the matter of trust and confidence was a two-way street. He explained that it was precisely because the decisions of the United Nations concerning Namibia, dating as far back as 1947, had not been heeded that the situation had reached the present pass. He pointed out that the fundamental aim of the membership of the United Nations was to enter a new phase, in which all concerned would co-operate with the international community to attain the goal of independence of Namibia through an act of self-determination. The key was a definite agreement to proceed on a specific date with the implementation of resolution 435 (1978), at which time a number of things would have to change, because there would be a completely different situation. At that time, both South Africa and the United Nations would require to make the necessary arrangements for the impartial discharge of their respective responsibilities under the settlement proposal.

The Chairman concluded his statement by urging the participants not to be distracted from the main objective of the meeting, namely, in the words of the Secretary-General's report of 24 November to attain the independence of Namibia in 1981, in accordance with resolution 435 (1978) and, to achieve this aim, to set a date for the cease-fire and a start of implementation in the early part of 1981.

In intensive consultations after the meeting on Saturday, 10 January, a course of action was discussed which was designed to lead, at the conclusion of the meeting, to a declaration of intent by the parties to a cease-fire. This would have provisionally established a cease-fire at an early date-30 March 1981 was suggested-to be confirmed in writing by 10 February 1981. It was also suggested that in the meantime, specific measures could be taken to ensure-and to reflect in public decisions-the impartiality of the United Nations, as well as South Africa, from the time of agreement on the implementation date.

It became clear, from a statement by the South African Administrator-General in the meeting on 13 January, that it would not be possible to achieve such a declaration of intent at the meeting in Geneva. In that meeting, the Administrator-General stated that, in the light of the proceedings thus far, it was clear that the questions raised in paragraph 19 of the report of the Secretary-General (S/14266) had not been resolved, and it would therefore be premature to proceed with the discussion on the setting of a date for implementation.

At the closing meeting on 14 January, the leader of the SWAPO delegation, Mr. Nujoma, reiterated that SWAPO was ready to proceed, at the meeting in Geneva, to sign a cease-fire and to agree to a target date for the arrival on UNTAG in Namibia. Since South Africa had not agreed, SWAPO had no alternative but to continue with the liberation struggle.

In his closing statement, the Chairman reviewed the developments at the meeting and commented that it was clear that the date for the commencement of the implementation of resolution 435 (1978) still remained to be agreed upon. His

concluding statement contained the following remarks:

"In light of all that has taken place during our meeting, the question arises whether the obstacle is the matter of trust and confidence which the South African Government informed us in Pretoria last October was the core issue affecting the setting of a date. If that is so, I am sure few will challenge the fact that this meeting has provided the participants not only with a better understanding of the international effort for a settlement of the Namibia question but also valuable opportunities for contact and discussion. In my view, this has been a most unusual meeting. An enormous effort has been made, in many forms and at many levels, to demonstrate good faith, reasonableness, a will to co-operate in the future and an understanding of the pre-occupations and anxieties of others. It is a matter for regret that these extraordinary efforts have not yet succeeded in facilitating an agreement on a date for implementation and that a great opportunity has thus been missed...I believe that all participants and observers here will wish to consider urgently the events of the last few days and the course which must be taken to expedite the attainment of the objective we have set ourselves. In particular, and on behalf of the Secretary-General, I appeal to those who have been able so far to assent to the proposals made by the Secretary-General to reconsider their position at the earliest possible time.

"The Secretary-General has been kept fully informed on the efforts made at, and on the outcome of, this meeting. He sincerely hopes that means will soon be found to go forward, as we had intended to do, to the early implementation of resolution 435 (1978), so that our time and efforts here will prove to have made a positive contribution to the solution of the question of Namibia.

"Although it has not proved possible here to secure agreement on a cease-fire date and on the commencement of the implementation of resolution 435 (1978), the United Nations will not relax its efforts to ensure for the people of Namibia their right to self-determination and independence through free and fair elections under United Nations supervision and control."

Observations

The pre-implementation meeting which concluded in Geneva on 14 January did not succeed in achieving the objective set for it in my report of 24 November 1980, namely the setting of a date for the cease-fire and a start of implementation in the early part of 1981. It became clear in the course of the meeting, that the South African Government was not yet prepared to sign a cease-fire agreement and proceed with the implementation of resolution 435 (1978).

The meeting was, nevertheless, important in many ways. Participants were informed in detail of the manner in which the United Nations would discharge its responsibilities during the implementation process. Further, through contacts and exchanges at a variety of levels, a remarkable effort was made to demonstrate good faith and reasonableness, with a view to proceeding towards implementation in a spirit of co-operation and understanding. I wish, in this connexion, to express my particular appreciation to OAU, represented in Geneva by its Secretary-General and by the Minister of State of Foreign Affairs of Sierra Leone, to the front-line States, Nigeria and the Contact Group of the Western Five.

I believe that the outcome of the meeting in Geneva must give rise to the most serious international concern. Members of the Security Council, and all those concerned, will wish to consider the proceedings and the situation which has now arisen. I wish urgently to appeal to the Government of South Africa to review, with the utmost care, the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) at the earliest possible time.

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